

TENNESSEE STATE BOARD OF EDUCATION		
STUDENTS LIVING WITH HUMAN IMMUNODEFICIENCY VIRUS (HIV) OR ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)		6404
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

Liability and Non-Discrimination. Students living with human immunodeficiency virus (HIV) shall not be denied enrollment in an authorized charter school. The school shall not prevent a student from participating in the continuation of his/her education on the sole basis of HIV status. To the extent practical with medical and educational needs, the student shall be subject to the same rules for class assignment, privileges, and participation in any school-sponsored activities as all other students. The school shall strive to maintain a respectful school climate for students living with HIV. Mandatory screening for communicable diseases not spread by casual everyday contact, such as HIV, shall not be a condition for school entry or attendance.ⁱ

Administrative Responsibilities for Confidentiality. If a student's parents/guardians choose to disclose the child's HIV status, all matters pertaining to that student shall be directed by procedures initiated by the school. The school shall be responsible for requesting medical records from the parent/guardian and a statement from the student's physician regarding the health status of the student reported to be HIV-positive.

Confidentiality. No information concerning a student living with HIV shall be divulged, directly or indirectly, to any other individual or group without the written consent of the parent/guardian. All medical information and written documentation of discussions, telephone conversations, proceedings, and meetings shall be kept by the school in a locked file. If the HIV-positive student is under the age of eighteen (18), access to this file shall be granted only to those persons who have the written consent of the student's parents/guardians. Under no circumstances shall information identifying a student living with HIV be released to the public.ⁱⁱ

Appropriate Alternative Education Programs. In determining the educational placement of a student living with HIV, school authorities shall follow established policies and procedures for students with disabilities. School authorities shall reassess placement if there is a change in the student's need for accommodations or services.

HIV Prevention Education. The school shall be responsible for developing instructional objectives to address the state standards and provide each teacher responsible for teaching HIV prevention education with these objectives. Students shall further be taught universal precautions through the Tennessee Health Education and Lifetime Wellness Standards for Grades K-12 and through the school's HIV prevention education program. Parents/guardians shall have the opportunity to preview all HIV-prevention curricula and materials in accordance with state law. Students shall have access to voluntary and confidential counseling about matters related to HIV. Administrators shall maintain a list of counseling and testing resources for student use.

Infection Control. The school shall develop an Occupational Safety and Health Administration (OSHA)-based infection control plan in which the school will:

- (1) Provide well-maintained and easily accessible materials necessary to follow universal precautions; and
- (2) Designate first responders responsible for implementing infection control guidelines, including investigating, correcting, and reporting on instances of exposure.

All schools shall further follow the most current Centers for Disease Control and Prevention (CDC) Universal Precautions for Prevention of Transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and Other Bloodborne Pathogens in Health Care Settings and the OSHA Bloodborne Pathogens Standard.ⁱⁱⁱ The school shall develop procedures to implement this policy as well as the State Board HIV/AIDS Policy for Employees and Students of Tennessee Public Schools.^{iv}

Legal References:

ⁱ TRR/MS 0502-1-3-.08(2)(g)

ⁱⁱ T.C.A. § 68-10-113; 20 U.S.C. § 1232(g);
34 C.F.R. § 3622-623

ⁱⁱⁱ TRR/MS 0520-1-3-.05(1)(c)

^{iv} State Board Policy 5.300

Cross References:

Section 504 & ADA Grievance
Procedures 1802